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DEPARTMENT OF STATE

Memorandum of Conversation

DATE: February 24, 1967

SUBJECT: United States-Italian Aviation Negotiations- Washington, D.C. Fourth Session (February 24, 1967; 3:00 p.m.)

PARTICIPANTS: See Appendix A.

DEPARTMENT OF STATE A/CDC/MR
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CAB(4)	Mr. Ernest Lister

Mr. Loy: Mr. Ambassador, I guess we have now had 3 sessions since your arrival in Washington. If you will permit me, I will go back over a few points that I think explain the position we are in today.

Negotiating Concessions made by US

Very early in these discussions, even before your arrival, you made it quite clear it was your desire to discuss first the routes which we would exchange. We said rather forcefully why we thought that was wrong. Specifically, we wanted to know if we were going to have an agreement and what kind, before we discussed the routes. We think that has merit, but we acceded to your suggestion. Since the second session we have been trying to talk about routes. I think it is fair to say we still feel as we did. There is a good deal of reason why we should be talking about other things and that these are not peripheral by any means. We are not talking about routes very well or very fruitfully. When we began to talk about routes you stated your feeling that we were not acting properly when we gave you the statement of our route objectives and you wanted to know our specific route schedule. We gave that to you. You stated that you considered that route schedule to be inadequate principally because it was impossible for

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you to evaluate it. We tried to indicate why we were reluctant to giving you a more limiting schedule because we were concerned about ending up with an inflexible situation, both regarding intermediates between the U.S. and Italy and points beyond Italy. You indicated it was not your intention to be limiting and make flexibility impossible.

Proposed US Route Schedule Fair

Now, before moving on to reviewing our discussion on your routes let me just reiterate again that we believe rather strongly that document is one that we want to work from and use. It is neither unfair nor discriminating. As I indicated to you, and I hope I made it quite clear, it seems to us quite impossible for us to reach any kind of route arrangement on your expanded route requests at the same time that we reduce route opportunities for us. I think if we are going to talk about having an agreement, that is an unrealistic way to begin.

Italian-Mexican Air Agreement

Nor is the route proposal totally out of character with route arrangements made between the Italian Government and others. One of my colleagues has pointed out that as recently as December of last year the Italian Government ratified an agreement with Mexico which contains for the Italian carrier a route described as points in Italy, points in Europe, New York, Mexico City and beyond; another route from Italy, points in Europe, Miami-Mexico City and beyond. It contains reciprocal arrangements for the Mexican carrier. Presumably there was some way of indicating what the Mexican routes were worth to make it desirable to make an arrangement of this sort. We have had similar arrangements. I listed some of them yesterday. Maybe if we were to start from scratch, and the airplane were being invented your suggestion of the impossibility of evaluation might have a great deal of merit. But that is not the case. And quite frankly it is impossible for us to take totally seriously and to understand fully the route description you have given us. It is a totally impossible document with which to work.

That is troublesome. Equally so is our analysis of how we start from this point and how we got here. We got here after the Italian Government, after careful consideration, decided that the present agreement was simply not one that the Government of Italy could live with indefinitely and therefore it had to go. So you

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have made a proposal for a new route system for the Italian carrier which bears little relationship to the present one and has an enormous value. We do not yet have a clear idea, or any idea, how the proposed route schedule for the Italian carrier relates to or is intended to overcome the imbalance which created the situation which brings us to the table here. I am assuming you came to the conclusion this imbalance existed. Yesterday it seemed clear that in considering this question you had found yourself able to evaluate the values of the U.S. routes in 1965. You had distinguished in them the various categories and had come up with an evaluation in dollars up to the 7th digit, so that clearly you had some idea of the value of our routes. We have asked you to explain to us by what basis or approach we could say your proposal corrects the imbalance and unfairness which needed to be corrected. It is not clear to us that you have really tried hard to tell us why your proposal corrects this imbalance.

Unclear how Italy justifies its Route Proposals

We do not think you have gone very far in discussing either our routes or your routes. We are prepared to discuss these this afternoon, but we are not prepared to give you a route proposal which is a reduction of the rights proposed in our Document No. 3, or which in an unsatisfactory way would make it difficult for us to operate the services that we now operate, as they may be modified or amended in time over the next 10 or 15 years. I guess we think that in light of the kind of agreement you make, and that we make, and in light of the kind of operation we have been operating, and in light of the possibility of new equipment that will require some changes regarding points served. We are not willing to reduce our flexibility or the potential operating freedom that is proposed in our route schedule.

USG Reluctance to limit its Route Schedule

We would suggest to you that if we are going to talk about routes that we would like to hear from you an analysis of how you picture a route package as working, what you consider to be a reasonable route grant to Italy to involve. I would be prepared to discuss these further but would be interested in your reaction, Mr. Ambassador.

Ambassador Capomazza: We are not making any progress because every day we start from scratch. Yesterday we thought the American delegation understood the reasons why we wanted to have a route schedule which could be compared with the one we presented.

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I had a conversation with Mr. Solomon and Mr. Loy and there seemed to be an acceptance of our proposal. Now we start all over. We are again asked to evaluate something which we do not think we are able to evaluate. I can talk for an hour on the reasons why we denounced the agreement. I told you in Rome why we denounced. We had been given beyond New York "to be determined later" and we have never been able to get it. We were given Montreal-Los Angeles on paper but never been able to get it. That is why we denounced.

Reference to Discussion with Mr. Solomon

We can evaluate the operations under the old agreement. We can go back to Rome and do it, but what happens after May 31. This a very disturbing experience particularly after my talk yesterday with Mr. Solomon.

It is quite clear when we said we want to have a working paper from you that we just want to have something to get down to business and start working on.

This is going to be detrimental to our morale and our friendship. I sincerely ask you to stick to what you said in our talk with Mr. Solomon. Give us this piece of paper and we will start working.

Mr. Loy: Mr. Ambassador, I am sorry if our conversation in Mr. Solomon's office misled you. You are certainly correct that we agreed at this very table to consider again your request. We have spent a good portion of today doing just that. Clearly the very basic difference is the kind of route description you want us to start with. Let me say two more things. You describe yourself as a practical man and I am sure that is the case. We can talk about theories and pieces of paper, but let me mention a practical problem. If you believe the U.S. can, at the same time it tries to meet your requirements for route opportunities, agree to a route for it which is substantially smaller than the route that is enjoyed now, then I would ask you to consider if that is a realistic thing to expect. Second, you have indicated extreme frustration and anger that you have not been able to operate and enjoy routes which you believe rightfully had been granted to Italy, specifically the route via Montreal to Los Angeles and the rights beyond New York. You have indicated that it is that frustration and that anxiety which led to your denunciation.

I think I must point out that your proposed route schedule does a lot more than seek to compel the granting of these rights. But again, I ask you to think about how we can

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conceivably deal with a package of that size intended to correct what you consider a deficiency of a different size at the same time the U.S. loses part of the value it has. It is very tough to know how to deal with that.

Various means of formulating route schedule

We would be prepared to view this thing historically, and, see, if you don't think the old agreement is fair, to try to make it fair. You say the agreement is dead. We say we want to keep what rights we have. You put a value on that. We have indicated there are some additions to the rights we had, as well as subtractions too, but they are not major. There clearly are several ways in which to approach an effort to talk about a route exchange. I gather that so far you have been unwilling either to indicate some value of the proposed routes you have made or to revise that proposal. I guess I would ask you to reconsider that. Now, an alternate way would be to start from scratch, and to say that certain kinds of agreements are attractive to us and some are not. As a starter, we want to serve the U.S. from Rome. What do you consider an equivalent value to that? Next we would say we want to serve Milan. What do you think is equivalent to that? Maybe we should build up instead of down.

Before we break for coffee I would like to say we have a big difficulty. I reject the notion that our position is unreasonable and in some way we are failing to bargain in good faith because we have not put it down exactly as you want it. Is it really wise to seek to limit the rights of the U.S. carriers? Then maybe we should go on that assumption, but that affects what we are able to do in the agreement.

(Coffee Recess)

Ambassador Capomazza: Mr. Loy, although I am full of admiration for your lawyer's ability, I also pity you even more than I pity myself because you and I are heirs of a very different situation. A situation of misunderstandings created and built up over the years. I can understand your position in representing the U.S. position. The last thing I would like is to have a misunderstanding with our American friends. But as I said, we have done everything possible to try to amend this treaty. The American carriers have always

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tried to use this instrument for their interests and to our detriment. The treaty is now dead. We want to build it from scratch. That is why I am asking for the piece of paper.

During our meeting in Rome we stressed we would only accept a new agreement based on balanced values. We have spent 4 days of inconclusive talks on route descriptions. I must insist again that we cannot accept your route schedule as being homogenous with ours because we are entitled to the presentation of a route schedule. Because you insist on the evaluation of the route schedules, we must stress once again that until we get a route schedule we cannot go further.

Before I close, I want to be clear that we feel confident about the future. We aim at a fair balanced agreement. We are aware that the markets of the American carriers are important.

Mr. Loy: Mr. Ambassador I certainly agree with your feeling of frustration. I think all of us do. We are not getting very far. As I said Tuesday we agreed to discuss the routes because before discussing other matters it has proved more difficult than anticipated. I think the possibility exists that some combination, some relationship, some exchange is possible. And yet, as you say, we are no closer to it today than we were several days ago. That being so do you think it advisable to lay this issue aside and return later after we discuss other issues.

Suggestion to discuss other issues

Ambassador Capomazza: Mr. Loy, if you knew how sorry I am for what is happening and how eager I am to make progress then you would know how embarrassed I am to reject your suggestion. If we do not get an agreement on routes, how can we get an agreement on philosophy. Perhaps once we make some progress on routes, I think we may make progress on other matters. We don't care about philosophy. I really think the problem of routes is paramount. If we cannot agree on routes, you can come to Rome in 15 days. But that was not as I expected. I even booked my room for three weeks and accepted a dinner invitation for March 10.

Suggestion Rejected

Mr. Loy: That is the most encouraging thing we have heard. At the risk of seeming spineless, as I guess we have already demonstrated, we are prepared to talk about anything in any order. I understand you to say that in spite of our difficulty in progressing on route talks you don't think it desirable to go back to other issues.

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I will accept that, But not without reiterating that I am concerned about your description of this as a philosophy. I want to make it clear that it is of more than academic interest. It is very real.

Limitation on Multiple Designation Unacceptable

All right, lets talk again about routes. Let me add a comment on this matter of principle. We have talked about sever issues, but there is one which is pointed up in the route schedule which we delivered to you. It talks about "airline or airlines" and that, in a sense, ties together the question of routes without reiterating a very fundamental and practical matter. For reasons that I think I have outlined before, I don't think there ought to be a mistake about our ability to accept the proposition that only one U.S. carrier can be designated under the agreement. I would be interested in having any reaction you would have on this.

Saying this, I have several things in mind, one being that we have not heard any argument to the effect that the fact that we have had more than one carrier serving Italy has made operations for the Italian carrier impossible or unprofitable, or anything of the sort. On the contrary, the Italian carrier has grown faster than any other carrier, and has indeed garnered a majority of the passenger and cargo traffic. Nor, secondly, as I think I explained, does it seem to us that this step is necessary or possible in view of the relationship we have with other countries of similar size and strength, such as France, Germany and the U.K., etc.

Third, I would just point out the question whether you really think the U.S. Government could at the same time it makes a deal granting Italy new routes, would kick out one or more carriers from the market. Regardless of anything else, that is something that should be considered and not miscalculated. I say that because it relates to the route question and because it is a matter of philosophy. If you have any comment on this, I would be happy to hear it. Otherwise we can go on to another matter.

Multiple Designation is Capacity Problem

Ambassador Capomazza: I think I can understand your apprehension. When we read "airline or airlines" we thought it was the usual expression the U.S. uses. As you know, I have said in Rome and here, that this problem of one or two carriers is part of the capacity problem which we tried to assign as the number 2 question. We understand and accept it as a customary expression you use in your treaties.

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Mr. Loy: Mr. Ambassador I don't want you to enter into waters you don't want to enter into. You said you consider this question to be part of the capacity problem. Is that something you don't want to elaborate on now?

Ambassador Capomazza: The fact that there are two or more carriers aggrevates the capacity problem.

Mr. Loy: I guess you were right, that is essentially what you said in Rome and it is not what I would call reassuring. I guess it is fair to say that we feel that a good deal of our time may be wasted in talking about routes, because we are quite unclear whether we have the kind of mutual understanding and the kind of common approach which would make any agreement possible. Without that, we may be wasting our time. It is possible that there is not enough common understanding to reach an agreement. Obviously any talks on routes would be dependent on solving these issues. At the moment, I don't see how they can be satisfactorily settled.

Benefits of Airline Competition

Let me add a word or two. We are talking about a business, the business of air transport. I heard you say that the fact that there was more than one carrier resulted in an increased capacity. Without saying whether or not that is true, I would like to say that I don't know what to do with that concept. I don't think of an increased capacity as being bad. In most businesses, when you increase capacity that is good. We have generally felt that competition among American carriers does increase capacity. If we are talking about a rational development of air transport, we should not be talking about increased capacity; we should be talking about excess capacity. That is exactly what the Bermuda principles are intended to prevent, and they give protection against excess capacity. This is not only in Italy, but all over Europe. When we look at the North Atlantic traffic pattern, it seems to me that the evidence is quite clear that taking the picture as a whole the fact is that these Bermuda principles have accomplished their objective. So the a priori concept, that in a market of the size and growth of the Italy-American market, that the existence of more than one U.S. carrier creates a capacity problem, is something we would not be prepared to accept without some demonstration that it is a fact. I think that is important for a moment to dwell on. You and I are relatively new in this business and there is no question but that the situation we face today has a history. We have analyzed

Bermuda Prevents Excessive Capacity

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in the U.S. what the risks are and what the future is of this business. I think it is fair to say that in the U.S.-Italy market we don't see any reason not to have more than one carrier on that route. I guess that is either a digression, or a cul de sac.

Ambassador Capomazza: We have taken notice of what you have said and we will give it due consideration when we get to this chapter.

Alternative Approaches to Routes

Mr. Loy: Back to our progress on routes. I spelled out a little bit about the difficulty we have with your request to us. You say two things, one you can't evaluate our proposal, and, second, you understand and are sympathetic to our desire to maintain a flexibility which will not restrict us in the way we operate to and through Rome. It is very hard to combine those two conceptions. At least, it is hard to know how to respond in the face of this. We have several ways we could go. One way would be to give to you a route description which would have specificity. That is, would designate the countries we would expect to serve that you seem to lay such stress on. We would then have a piece of paper of the same scope and same extent as the paper we gave you in Doc. 3. It would have the same substance and content, but would be phrased differently and longer. Unless you are in the business of selling paper that has little importance.

Second, we could give you a document which has a list of points which is smaller of content and substance than the Doc. 3 which we gave you. That would have the purpose, as opposed to the first one, of diminishing the flexibility that we now have.

Quite aside from the fact that you have indicated that is not your aim, I have indicated to you several reasons why we are not happy about doing that. As I said, one reason is that if we go that way we don't think we will end up with an agreement which will satisfy any or many of the requirements or desires that you have put on your piece of paper regarding your route schedule. Now maybe there is merit in trying to explore whether it is possible without limiting this flexibility to assist you in the evaluation which you say you are unable to do. As you know, our carriers have certificates from us to operate in a certain manner and a certain direction. This is our internal process, which is a process that is very slow to change, especially in areas where there is a long history of operation.

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As you know we concluded not long ago a case in which we examined the entire trans-Atlantic market. At the conclusion we made a few changes in the pattern which had existed for many decades before. If you look at that internal certification process and combine that with the history of actual operations, you get a feeling of the kind of operations that might be operated to and beyond Rome. What are these? I don't really know them fully, but I have them somewhat in mind. One pattern is a pattern which starts in the U.S. and goes via France and Switzerland to Rome. It then goes beyond Rome, in one case via Lebanon, Turkey and Iran, and in a second via Greece, the UAR, Israel, Saudi Arabia, India, Thailand and Hong Kong. A third pattern beyond Rome, that we have suggested, that is not now served, would go via Greece and the UAR and possibly through the Sudan to Uganda to Kenya, Tanzania, possibly Malawi, possibly Zambia, maybe some day Rhodesia and ending up in South Africa. That is just a pattern, which accords in part with U.S. certifications, in part of applications.

Possible US Route Patterns

The second pattern would involve a service from the U.S. via Portugal, Spain and France to Rome. The third pattern would involve the U.S., the U.K., Germany and Switzerland, to Milan, or Milan and Rome. These are recognizable patterns, many of which have a history of service which makes evaluation possible. Others, which do not have a history, make evaluation more difficult, but no more difficult than the route proposal you proposed to us.

I am not prepared, I hope that is quite clear by now, to propose to you a route schedule so limited. It would certainly rob us of all the flexibility that we have talked about. On the other hand, I suggest to you that an analysis of these patterns and an evaluation of the potential and meaningful value and of the beyond possibilities involved might be very useful. I stress, it is quite possible, and it would be quite meaningful, I would think. I might say that as I think about those patterns, I think one of the first branches I discussed may terminate in Iran. In accordance with what I understood from you yesterday, that would give to us, really by combination of other connecting services, a round-the-world route. I do not want any misunderstanding on that.

I guess I just feel that based on the history of services, on the patterns that are involved in the certificates our carriers hold, that you cannot get started with the evaluation process which you have resisted so far. I stress that I would not consider for an instance proposing a route schedule which

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would be so limited. We would not sign such an agreement. But this approach seems to me to have a good deal of realism. At the same time, it leaves us with a flexibility which we consider to be sine qua non of any agreement that we might have a real incentive to sign. I don't know whether this makes any sense for you to consider these patterns. I think so. I don't purport to say that this will result in any evaluation which will give you a very precise figure that everyone can agree to. I would not even argue that we could, looking at these patterns, come up with a figure down to the last decimal. But it is a fact that both you and we have repeatedly entered into aviation agreements with very broad descriptions, where we felt at the moment we signed them that we were comfortable, where we had a satisfactory arrangement, where we felt we had a balance fair to both. We signed those on the basis of what they meant to the carriers involved. I am saying that with a totally flexible route description, as you have with Mexico, that is possible if you have faith in your own ability to analyze in realistic terms what it means. You have the possibility of evaluating what it really means in terms of values to the carrier of each side, by looking at the world in which we live.

Patterns can be evaluated

I don't know whether this suggestion is the least bit helpful to you. It is an effort on our part to move this conversation off the dead point where we find it. We commend it to you for your consideration.

Ambassador Capomazza: Mr. Loy we would like to have a piece of paper. We are not in a position to work tomorrow unless we have it. Or are you prepared to have me rely on Dr. Varalda's transcription?

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Mr. Loy: I have almost unlimited faith in Dr. Varalda. I don't think I would propose to give you a piece of paper because I don't want what I have said to be misunderstood. I have given you a series of patterns which are recognizable. I have a notion that if I handed to you a piece of paper, it would be misunderstood. I would be happy to repeat my description.

Ambassador Capomazza: You put us in a very difficult position. I don't see in what respect it would be misunderstood. We don't intend to lay any traps for you, just as we gave you our route schedule very confidentially. It is almost offensive of you to refuse. Why is it? Can't we have this typewritten on a piece of paper, the same things you have just said?

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Mr. Loy: Mr. Ambassador I am trying to suggest a methodology by which you may proceed if you want to. That is all. If what I have suggested is something the Italian delegation could do, if you want to follow this approach, I commend it to you. If you don't, all right. If Varalda wants to read what he has, I would be happy to tell him if it is correct. That is about all.

Ambassador Capomazza: I am rather new to this type of negotiation. It is not easy to accept from a friendly delegation that just a piece of paper is refused. Also, I am a responsible person, I have never been exposed to anything like this. I don't see what changes it, if you give it to us in a piece of paper. Don't you think this is not a proper procedure with a friendly country? Now it has really become a question of correctness. Perhaps I am wrong, perhaps it is due to my being new in this sort of thing. I leave it to you. If you want to think it over.

Mr. Loy: I would like to say that the U.S. delegation has tried in about eleven different ways to move these discussions off dead center. I have tried to be helpful. I have suggested in the last instance an approach which the members of your delegation understand fully well. I have suggested that if there is a will to evaluate our proposition, there is a way. I have suggested we are most unhappy about proposing a route schedule that would diminish our rights. The only purpose of my remark was to invite you to do such an evaluation, if you find that is useful, but, I don't think you need me for that purpose.

Ambassador Capomazza: Suppose we decide we would accept your flexibility. Then, of course, we would be entitled to the same flexibility. Then I would say give me back our schedule and I will give you another schedule. Unfortunately we have already given you our schedule. This is the point. Otherwise, I would say, all right, lets operate on flexibility. But you already have our points.

Suggestion to start from scratch

Mr. Loy: Mr. Ambassador, we have a weekend coming up. I suggest that our efforts to discuss routes is going very badly and I am sure that is no surprise to you. I think maybe your last suggestion is quite good, maybe we ought to start from scratch. I don't know. I have said repeatedly we are prepared to receive and consider any route exchange that you want. We are prepared to go along with your desire to consider the agreement dead

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and to start from scratch. I suggest that you put yourself in our shoes and think about what kind of an agreement you think the U.S. could sign. I am thinking about routes now. But let me repeat, I consider what is on the table now, on your side, to be out of the question. If you want me to discuss that in more detail we can do that. I have also suggested to you to consider whether you really think it is possible to give substantial added values to the Italian side while we take substantial reductions on the U.S. side.

It might well be that you would want to start from scratch. I am not sure what would develop. Maybe you want to give us a proposed exchange, including your routes and ours, that you think is fair and practical of achievement. Maybe you want to explain why you think the route proposals that you have made are appropriate as compared to other countries with which we have relations. I certainly agree that a new approach would be useful. I include in that new approach possible examination of the evaluation of the approach suggested earlier.

Ambassador Capomazza: We should meet again on Monday. Tomorrow I shall go visit the National Art Gallery, again. I will clear my mind of aviation business.

The meeting was adjourned at 6:00 p.m.

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CALIF.	X	X	X	X	X	X		X		X
COLO.	X	X	X	X	X	X	X	X	X	X
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DEL.	X	X	X	X	X	X	X	X	X	X
FLA.										
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IDAHO	X	X	X	X	X	X	X	X	X	X
ILL.	X	X	X	X	X	X	X	X	X	X
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MAINE	X	X	X	X	X	X	X	X	X	X
MD.	X	X	X	X	X	X	X	X	X	X
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NEV.	X	X	X	X	X	X	X	X	X	X
N.H.	X	X	X	X	X	X	X	X	X	X
N.J.	X	X	X	X	X	X	X	X	X	X
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N. DAK.	X	X	X	X	X	X	X	X	X	X
OHIO	X	X	X	X	X	X	X	X	X	X
OKLA.	X	X	X	X	X	X	X	X	X	X
OREG.	X	X	X	X	X	X	X	X	X	X
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UTAH	X	X	X	X	X	X	X	X	X	X
VT.	X	X	X	X	X	X	X	X	X	X
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WASH.	X	X	X	X	X	X	X	X	X	X
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WIS.	X	X	X	X	X	X	X	X	X	X
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[illegible]	X	X	X			X	X	X	X	X
[illegible]				X	X					
[illegible]	X	X	X	X	X	X	X	X	X	X
[illegible]	X	X	X	X	X	X	X	X	X	X
[illegible]	X	X	X	X	X	X	X	X	X	X